

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

ARIEL HERNANDEZ, et al.,

*Defendant,*

\_\_\_\_\_ /

01 OCT 2001  
CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI  
PM 1:46

**NOTICE OF FILING**

THE DEFENDANT, ARIEL HERNANDEZ, by and through the undersigned counsel, gives  
notice of filing as follows:

1. On October 22, 2001 the defendant filed a pleading entitled:

**MOTION TO:**

**I. IMMEDIATELY TRANSFER DEFENDANT FROM  
BROWARD COUNTY JAIL TO FEDERAL DETENTION  
CENTER-MIAMI**

**II. GRANT DEFENDANT IMMEDIATE ACCESS TO  
COMPUTER EQUIPMENT FOR REVIEW OF WIRETAP  
INTERCEPTS**

**Or in the Alternative**

**III. TO CONTINUE THE TRIAL OF THIS CAUSE**

1. Upon review of the defendant's copy it appears that pages three and four of the original  
motion did not copy when processed through the copy machine.

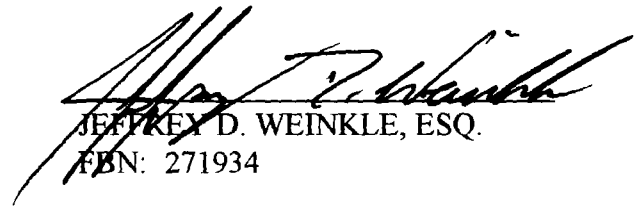


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2. Therefore, the defendant has filed and enclosed herein pages three and four of the above-referenced motion.

DATED this 23rd day of October, 2001.

Respectfully submitted,



JEFFREY D. WEINKLE, ESQ.  
FBN: 271934

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this  
23rd day of October, 2001, to: UNITED STATES ATTORNEY'S OFFICE, AUSA  
**Lawrence Lavecchio**, 500 E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33394 (Fax: 954-356-  
7230); and to:

Stephen Rosen, Esq.  
Suite 1020  
1221 Brickell Avenue  
Miami, FL 33131  
(Attorney for Trentacosta)

Samuel D. Deluca  
3451 John f. Kennedy Blvd.  
Jersey City, New Jersey 07307  
(Attorney for Ruggiero)

Michael Smith, Esq.  
633 SE 3rd Street  
Suite 4F  
Ft. Lauderdale, Fl  
(Attorney for Silverman)

Thomas Almon, Esq.  
321 NE 26th Street  
Miami, FL 33137  
(Attorney for Monico)

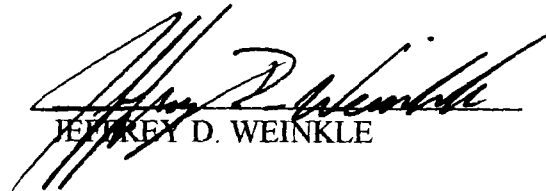
HADDAD & HESTER, P.A.  
Fred Haddad  
One Financial Plaza, Suite 2612  
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(Attorney for Massaro)

Donald Spadero, Esq.  
1000 S. Federal Highway  
Suite 103  
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Alejandro Taquechel, Esq.  
Suite 238  
3750 W. 16th Avenue  
Hialeah, FL 33012  
(Attorney for Carlos Garcia)

Manuel Gonzalez, Esq.  
782 NW Le Jeune Road  
Suite 440  
Miami, FL 33126  
(Attorney for Banks)

JEFFREY D. WEINKLE, ESQ.  
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JEFFREY D. WEINKLE

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Although he now has most of these documents returned to him he still maintains that substantial portions have never been returned.

6. Most recently, on or about October 2, 2001 the Defendant was once again transferred to the Broward County Jail for a status conference. However, this time he was not brought back to FDC, and as of October 22, 2001, the defendant remains in the custody of the Broward County Jail notwithstanding that AUSA Lavecchio has attempted to obtain a Writ to transfer the defendant back to FDC. Moreover, when Michael Tenzer, Esq., Mr. Hernandez's counsel for the State charges attempted to have him transferred back to Miami, the Marshall's Service, he was informed that he was no needed back here and he would stay in Broward until his presence was required in Miami.

7. As mentioned above, the undersigned has attempted to obtain the appropriate computer equipment for the defendant while in FDC. However, as of this date FDC has not been able to make these arrangements. The undersigned has been informed that the co-defendants have had access to the appropriate computer equipment at FDC and that this was able to be accomplished since they are in general population. Mr. Hernandez, has been confined to the Special Housing Unit during his stay at FDC apparently because the Indictment contains allegations that the co-defendant(s) plotted his assignation.<sup>1</sup> His confinement status in SHU has operated to deprive him of the opportunity to view the evidence which the government will introduce in this trial.

8. Attached hereto, are copies of the various correspondence and faxes the undersigned has

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<sup>1</sup> It still escapes comprehension why the subject of the assassination plot should be held in solitary confinement while the alleged assassins should be permitted the benefits of confinement in general population.

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sent to FDC regarding computer equipment for the defendant. (Composite Exhibit 1).

9. The defendant submits that unless he is immediately transferred back to FDC-Miami and given immediate access to the appropriate computer equipment that he will not be prepared for trial as presently scheduled and requests that this Court continue the trial date.

10. The undersigned has attempted to contact AUSA Larry Levicchio regarding the Government's position with regard to this Motion. Mr. Levicchio has no objection to the defendant being returned to FDC and to his being given access to computer equipment. The government does object to a continuance of the trial date.

WHEREFORE, the Defendant respectfully moves this Honorable Court to enter its Order for the immediate transfer of the defendant from Broward County Jail to The Federal Detention Center-Miami, and giving the defendant immediate access to computer equipment for review of wiretap intercepts. Alternatively, the Defendant moves for continuance of the trial date

Respectfully submitted,

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JEFFREY D. WEINKLE, ESQ.  
FBN: 271934